

## Strategic Planning Committee (ADDENDUM)

### Report title:

**Land on the corner of Briant and Besson Street, London, SE14  
(ADDENDUM)**

**Date:** 15 December 2021

**Key decision:** No.

**Class:** Part 1

**Ward(s) affected:** Telegraph Hill

**Contributors:** David Robinson

### Outline and recommendations

*This application previously received a resolution to grant at Strategic Planning Committee on 30<sup>th</sup> July 2021. The application is being returned for consideration at Strategic Planning Committee following an application stage Design Review Panel review and an Independent Noise Survey having been undertaken in relation to the adjacent Music Room.*

*The application is recommended for approval subject to planning conditions and completion of a S106 agreement.*

## Application details

**Application reference number(s):** DC/19/114805

**Application Date:** 3 December 2019

**Applicant:** Montague Evans on behalf of Besson Street LLP

**Proposal:** The comprehensive redevelopment of Land at the corner of Briant and Besson Street, SE14, including demolition of existing structures to deliver a mixed use development comprising 324 residential units (Use Class C3), flexible retail and commercial floorspace (Use Class A1/A3/B1), a Pharmacy (Use Class A1), a GP surgery (Use Class D1) and community space (Use Class D2) in buildings ranging from 3 to 12 storeys, provision of disabled car parking, cycle parking and servicing facilities, landscaping and other associated works.

**Background Papers:**

- (1) Submission drawings
- (2) Submission technical reports and documents
- (3) Internal consultee responses
- (4) Statutory consultee responses
- (5) Design Review Panel responses

**Designation:**

Area of Archaeological Priority

Flood Risk Zones 2 and 3

Hatcham Conservation Area

Hatcham Conservation Area Article 4(2) Direction

PTAL 6

Strategic Site Allocation

**Screening:** Issued 22 May 2019: EIA not required

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## 1 INTRODUCTION

- 1.1 This report has been prepared as additional representations have been received since publication of the agenda. Two representations (dated 9<sup>th</sup> and 14<sup>th</sup> December) have been received from the operators of The Music Room at 116-118 New Cross Road.

## 2 SUMMARY OF ADDITIONAL RESPONSES

- 2.1 The additional responses from the operators of The Music Room is summarised as follows:

- The Report (Independent Noise Assessment) does not consider or comment upon the noise levels that will be experienced on the balconies of those flats closest to The Music Room. This has always been a concern on the part of The Music Room.
- The balconies are the only private external amenity space for the flats concerned and are an important part of the overall living environment of future residents; allowing them, for example, to sit outside in good weather including into the evenings. In a dense urban development, such as proposed, access to and the ability to use such space is all the more important.
- The NPPG makes clear (ID: 30-005-20190722) that the impact of noise on external amenity spaces is an important planning consideration. In particular, it notes:

*“Where external amenity spaces are an intrinsic part of the overall design, the acoustic environment of those spaces should be considered so that they can be enjoyed as intended.”*

- Our noise consultant states that the Noise Survey findings show that noise levels on those balconies closest to The Music Room will be 3 or nearly 4 times louder than existing background noise levels when some rehearsals are occurring.
- Request that “the 32 Hz Octave band data be included in table of measured and derived levels incident of the development facades” (in relation to the Independent Noise Assessment).
- Request that Committee fully understands the conclusions of the recent Noise Survey, including the consequences of the 32 Hz noise levels at those balconies closest to MRL.
- Queries raised in relation to what happens if the development is not undertaken by Besson Street LLP, but by another developer or the Council itself.
- There is a reference in the report to Committee at para 938 to residential units whereas it has already been resolved that the deed applies to the whole development site – can this be amended.

## 3 CONSIDERATIONS

### *Independent Noise Assessment*

- 3.1 The concerns as summarised as above are in relation to the proposed balconies closest to The Music Room’s premises at 116-118 New Cross Road.

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- 3.2 The proposed design has been subject to an iterative design approach which has been developed cognisant of The Music Room's operations and has sought, insofar as possible, to locate residential units and their amenity spaces away from The Music Room.
- 3.3 The BS (Guidance on sound insulation and noise reduction for buildings) 8233:2014 guidance states that:
- 3.4 *"For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments. However, it is also recognized that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited.*
- 3.5 *Other locations, such as balconies, roof gardens and terraces, are also important in residential buildings where normal external amenity space might be limited or not available, i.e. in flats, apartment blocks, etc. In these locations, specification of noise limits is not necessarily appropriate. Small balconies may be included for uses such as drying washing or growing pot plants, and noise limits should not be necessary for these uses. However, the general guidance on noise in amenity space is still appropriate for larger balconies, roof gardens and terraces, which might be intended to be used for relaxation. In high-noise areas, consideration should be given to protecting these areas by screening or building design to achieve the lowest practicable levels. Achieving levels of 55 dB LAeq,T or less might not be possible at the outer edge of these areas, but should be achievable in some areas of the space."*
- 3.6 The ProPG (Professional Practice Guidance on Planning & Noise) guidance also states that:
- 3.7 *"These guideline values may not be achievable in all circumstances where development might be desirable. In such a situation, development should be designed to achieve the lowest practicable noise levels in these external amenity spaces but should not be prohibited."*
- 3.8 The applicant's Noise Assessment (Cole Jarman, November 2019) found that as a worst case scenario, only a few instances of 57 LAeq,T were predicted on balconies closest to The Music Room using sound levels measured from the loudest rehearsal recorded by the noise assessments. The Independent Noise Assessment (The Temple Group, December 2021) reported a similar worst-case level of 58 LAeq,T in the position of the most exposed balcony. It is relevant that these noise levels are on a robust worst-case basis and would only be duplicated during similarly loud sessions, with lower noise levels at all other times
- 3.9 It is noteworthy that the Independent Noise Assessment concluded that the mitigation measures as outlined in the applicant's Noise Assessment (Cole Jarman, November 2019) were sufficient and found that no further mitigation measures were necessary.
- 3.10 Significantly, it should be noted that these results do not take into account the solid balustrades (which would be required by condition) to the 10 closest units to The Music Room, which would further reduce the noise levels experienced on these balconies. The applicant has confirmed that with the solid balustrades in place, that all balconies would

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comply with the 55 LAeq,T guidance level at seated level. As above, these will be secured by condition.

- 3.11 In addition to the above, irrespective of the reasonable control of noise levels proposed for the balconies, future residents would also have access to alternative outdoor space amenity areas including those proposed at roof level.
- 3.12 The Independent Noise Assessment has been amended to take account of The Music Room's request in relation to 32Hz noise levels. The Temple Group have reviewed the data and made the requested amendments, however, this has not changed their conclusion that any further mitigation measures are required over and above those identified in the applicant's Noise Assessment (Cole Jarman, November 2019).
- 3.13 The Council's Environmental Protection Officer has again reviewed the proposed development in light of the additional comments received from The Music Room and reaffirmed that the proposed development is unobjectionable from an Environmental Protection perspective subject to the mitigation outlined in the applicant's Noise Assessment and a condition securing solid balustrades to the 10 balconies closest to The Music Room.
- 3.14 Furthermore, the Heads of Terms set out in the Officer's recommendation require that a Deed of Easement is secured between the applicant and The Music Room in relation to the entire development site.

#### ***Draft S106 Agreement***

- 3.15 The comments received relate to a draft S106 agreement which has been prepared following the previous committee resolution.
- 3.16 The Music Room have sought assurances that, whilst an unlikely scenario, the S106 is binding on any future developer who takes on the development.
- 3.17 The officer's recommendation and Heads of Terms within such are not intended to be specific to the current developer and it is considered that The Music Room's concerns could be addressed by inclusion of appropriate wording in the S106 agreement.

#### ***Amendments to committee report***

- 3.18 The Music Room have pointed out that Paragraph 938 incorrectly states that the Deed of Easement relates solely to "residential units across the development site". This should be updated to relate to all residential and non-residential uses across the development site.
- 3.19 For the avoidance of doubt, Paragraph 938 should read as follows:

*"The applicant shall enter into a Deed of Easement (in perpetuity) with the operators of The Music Room in relation to all residential and non-residential uses across the development site"*

#### ***Updated Independent Noise Assessment***

- 3.20 Given the Independent Noise Assessment has been updated as per The Music Room's request outlined above, paragraph 938 should also be altered to read:
- 3.21 The development shall be implemented in accordance with the Independent Noise Assessment undertaken by The Temple Group dated 15th December 2021 (reference number T4959-R001-NJB)

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## 4 CONCLUSION

- 4.1 The additional comments received have been reviewed and are not considered to change the assessment undertaken or the conclusion and recommendation of the officer report to committee.

## 5 BACKGROUND PAPERS

- (a) (1) Submission drawings
- (2) Submission technical reports and documents
- (3) Internal consultee responses
- (4) Statutory consultee responses
- (5) Design Review Panel responses

## 6 REPORT AUTHOR AND CONTACT

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